

# OREGON STATE BAR

## Board of Governors Agenda

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**Meeting Date:** January 11, 2019  
**From:** Amber Hollister, General Counsel  
**Re:** CSF Claim 2018-54 DEVENY (Hamell)

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### Action Requested

Consider Client Security Fund Committee's recommendations that the board grant claimant Kevin Hamell's claim for reimbursement of \$50,000 in CSF Case No. *2018-54 Lori Deveny (Kevin Hamell)*.

### Discussion

Kevin Hamell was involved in a serious auto accident in April of 2016. On May 5, 2016, he hired Ms. Deveny to represent him. The contingent fee agreement provided that Ms. Deveny would receive 33-1/3% payment upon any recovery.

In February 2017, Ms. Deveny settled Mr. Hamell's claim with Progressive Insurance for policy limits (\$25,000), without his knowledge. In March 2017, Ms. Deveny appears to have forged Mr. Hamell's signature on the settlement check and on a release. In May 2017, Ms. Deveny settled Mr. Hamell's UIM claim with Safeco Insurance Company for \$100,000, again without his knowledge. That same month, Ms. Deveny appears to have forged Mr. Hamell's signature on the settlement check and on a release. Ms. Deveny cashed both settlement checks, without notifying Mr. Hamell. She continued to provide Mr. Hamell with excuses about why his case was not settled.

In early July 2018, Mr. Hamell inquired into the status of his cases and discovered that both cases had been settled by insurance companies and the settlement checks sent to Ms. Deveny. Ms. Deveny resigned Form B, effective July 26, 2018, while numerous disciplinary cases were pending. Ms. Deveny has failed to respond to any inquiries from Mr. Hamell. Mr. Hamell reports he is working with the Portland Police Department regarding Ms. Deveny's theft.

To date, Mr. Hamell has approximately \$29,728 in outstanding medical bills related to the motor vehicle that have not been paid.

At most, Ms. Deveny was entitled to \$41,662.50 of the unauthorized settlement. Accordingly, Mr. Hamell's loss was approximately \$83,337.50. Pursuant to CSF Rule 4.7, any reimbursement is limited to \$50,000.

At its December 8, 2018 meeting, the Client Security Fund Committee reviewed Mr. Hamell's claim and unanimously voted to recommend that the Board reimburse him for \$50,000 of his loss. Mr. Hamell's claim would not ordinarily be eligible for reimbursement at

this time, pursuant CSF Rule 2.1.6, because Ms. Deveny has not been found guilty of a crime and Mr. Hamell has not obtained a civil judgment against her. The Committee, however, voted to waive the requirement of CSF Rule 2.1.6 based on extreme hardship under CSF Rule 2.6, based upon his circumstances and the available evidence.

Attachments:

Application for Reimbursement  
Investigator's Report